RENE L. VALLADARES 1 Federal Public Defender State Bar No. 11479 2 **BRIAN PUGH** Assistant Federal Public Defender 3 Law Office of the Federal Public Defender 411 E. Bonneville Avenue, Suite 250 Las Vegas, Nevada 89101 (702) 388-6577/Phone (702) 388-6261/Fax 5 Brian Pugh@fd.org 6 Attorney for Deandra Michelle Smith 7 UNITED STATES DISTRICT COURT 8 DISTRICT OF NEVADA 9 -oOo-10 UNITED STATES OF AMERICA, Case No: 2:22-mj-642-DJA 11 Plaintiff, STIPULATION TO MODIFY **CONDITIONS OF RELEASE** 12 VS. 13 DEANDRA MICHELLE SMITH, 14 Defendant. 15 16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, 17 United States Attorney, through Kimberly M Frayn, Assistant United States Attorney, and Brian 18 Pugh, Assistant Federal Public Defender, counsel for Deandra Michelle Smith, that Ms. Smith's 19 pretrial release travel condition be modified to allow Ms. Smith to make one trip to Mexico as 20 outlined below and for Pretrial Services to temporarily release to Ms. Smith possession of her 21 passport: 22 This stipulation is entered into for the following reasons: 23 1. Ms. Smith requests to travel to Mexico from August 23, 2023, to August 29, 2023. 24

- 2. Ms. Smith will pick up her passport from Pretrial Services on August 22, 2023, and return the passport to Pretrial Services on August 30, 2023.
- 3. Before travelling to Mexico, Ms. Smith will provide to Pretrial Services her itinerary and address where she will be staying in Mexico.
- 4. Ms. Smith's Pretrial Services Officer reports that Ms. Smith is in compliance with her conditions of release and Pretrial Services does not oppose this modification to her release conditions.
  - 5. The parties agree to this modification.
- 6. The Bail Reform Act ("The Act") requires the release of a person facing trial under the least restrictive condition or combination of conditions that will reasonably assure the appearance of the person as required and the safety of the community. *United States v. Salerno*, 481 U.S. 739, 755 (1987). In deciding whether to impose certain conditions for pretrial release, the Court is obligated to consider the two dual goals of 18 U.S.C. § 3142. The two express goals of 18. U.S.C. § 3142 are (1) to reasonably assure a defendant's presence in court and (2) to protect the public. *Id.* To determine whether there are conditions that would reasonably protect the safety of the community, the court should consider whether the defendant will likely make a good faith effort at complying with the conditions and whether the conditions are easily circumvented or manipulated. *United States. v. Hir*, 517 F.3d 1081, 1092 (9th Cir. 2008). To make this determination, there must be an "individualized, fact-specific inquiry." *Id.*, at 1094.
- 7. In addition to the facts and circumstances that led to Ms. Smith's release on conditions almost ten months ago, Ms. Smith has been in complete compliance with her

1	conditions of release since that time. See ECF No. 7, "Minutes of Proceedings - Initial Appearance
2	as to Deandra Michelle Smith held on 10/3/2022 before Magistrate Judge Elayna J. Youchah."
3	8. Ms. Smith has demonstrated to her Pretrial Services Officer and the Court that she
4	is not a risk of flight and that she can be trusted to possess her passport, travel outside the country,
5	return to the United States, and appear for all future court appearances.
6	9. Wherefore, the parties hereby stipulate and request that this Court order Pretrial
7	Services to temporarily return to Ms. Smith her passport as outlined above, and that Ms. Smith
8	be permitted to travel to Mexico during the dates stated above, but only after providing to her
9	Pretrial Services Officer her itinerary and address where she will be staying in Mexico.
10	Respectfully submitted this 26th day of July 2023.
11	RENE L. VALLADARES JASON M. FRIERSON Federal Public Defender United States Attorney
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13	By <u>/s/ Brian Pugh</u> BRIAN PUGH By <u>/s/ Kimberly M. Frayn</u> KIMBERLY M. FRAYN
14	Assistant Federal Public Defender Assistant U.S. Attorney
15	ORDER
16	IT IS SO ORDERED.
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18	ELAYNA J. YOUCHAH
19	United States Magistrate Judge
20	DATED: July 27, 2023
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